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C3

10. (Amended) The composite fabric of claim 3, wherein the water-absorbent and water diffusing fiber is composed of a fiber component of a W-shaped cross-sectional polyester filament.

#### REMARKS

The Abstract has been amended to comply with M.P.E.P. §608.01(b).

In addition, claims 1, 2, and 4-6 have been cancelled, claim 3 rewritten in independent form and claims 7-10 amended to depend solely from amended claim 3 to avoid improper multiple dependency. Support for amended claim 8, which was amended for clarity, can be found on page 17, line 1.

Amended claim 3 now recites that the multi-layered structure of two layers or more has "a top or surface layer thereof" and "at least one inner layer thereof, other than the top or surface layer." Support for this language can be found, for example, on page 14, lines 28-35. It is believed this complies with the requirement of 35 U.S.C. § 112, second paragraph, and its withdrawal as a ground of rejection of the claims is requested.

It is noted the Examiner only rejected claims 2 and 5 under §112, second paragraph, which claims have been cancelled, but since original claim 3 also includes the word "surface," the amended language is an attempt to avoid any problem with this claim.

In the Office Action the Examiner rejected claims 1-6 under 35 U.S.C. § 102 for being anticipated by Shiba et al. (U.S. Patent No. 5,126,201). Of these claims, claims 1, 2, and 4-6 have been cancelled leaving only claim 3.

Shiba et al. relates to a multilayered absorbent article comprising, inter alia, a surface material of a nonwoven fabric containing at least 10% of a conjugate fiber having an inorganic material such as a white pigment (e.g., titanium oxide) therein.

Amended main claim 3 now recites that the composite fabric is "a knitted or woven composite fabric" in multi-layered form. Support for this limitation can be found throughout the specification, for example on page 15, lines 1 and 2 and in the original Abstract.

Accordingly, it is believed amended claim 3 cannot be considered anticipated by Shiba et al., and its withdrawal as a ground of rejection of the claims (under §102(b) is requested.

The Examiner also rejected claims 1, 2, 4, and 6 for being anticipated by Tokura (Japanese Patent Publication No. 5-44,160) or Niwa et al. (Japanese Patent Publication No. 9-119,005). Since all of these claims have been cancelled and they were not cited against claim 3, which is now the main claim in this case, further discussion of these references is not considered necessary.

Finally, the Examiner rejected claims 1-3, and 5 for being anticipated by Tomosuke et al. (Japanese Patent Publication No. 9-273,085). This publication is more correctly identified as "Hayakawa et al." as Hayakawa is the last name of the inventor not Tomosuke. In any event, it will hereafter be referred to as JP'085.

The inventors of JP'085 are Tomosuke Hayakawa and Naoki Kataoka. The reference was published on October 21, 1997.

The inventors of this application are Chisa Hayakawa, Naoki Kataoka, and Hideo Ikenaga. According to applicants, inventors C. Hayakawa and N. Kataoka are the joint

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inventors of the invention set forth in original claims 1, 3, and 10, which correspond to amended claims 3 and 10, and inventors C. Hayakawa, N. Kataoka and H. Ikenaga are the joint inventors of the invention set forth in original claims 2 and 4-9, which correspond to amended claims 7-9.

Applicants acknowledge that the subject matter of original claim 1, as well as amended claim 3, and original claim 10 are described in JP'085. However, applicants also confirm that the named inventors of JP'085, Tomosuke Hayakawa and Naoki Kataoka, are the same persons as the inventors Chisa Hayakawa and Naoki Kataoka of this application, the joint inventors of amended claims 3 and 10.

Thus Chisa Hayakawa and Tomosuke Hayakawa are the same person. The apparent discrepancy in the names arises from the fact that the first name of Chisa Hayakawa, one of the inventors of JP'085 (Chisa Hayakawa and Naoki Kataoka) is translated incorrectly into Tomosuke (alternative readings of Japanese non-phonetic ideographs, Chinese characters) Hayakawa in the PATENT ABSTRACTS OF JAPAN of JP09-273085. The translation "Tomosuke Hanakawa" is not her officially registered name. The correct English translation of the name of this inventor is "Chisa Hayakawa" as found in form PCT/RO/101 of PCT/JP98/01962 and the first page of WIPO publication No. WO 99/55944 of PCT/JP98/01962 which corresponds to the present U.S. application. (See Exhibits A and B). Her name written correctly in Chinese characters is found in both Exhibits A and B and on the first page of JP09-273085 [JP Application No. 08 (1997)-23592] (See Exhibit C) as the four Chinese letters " 早川知佐 ". The reason for the incorrect English translation of the inventor's first name apparently arises from the fact that her given name, when written in Chinese letters, can be

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translated in different ways because a Chinese character can be phonetically read in several alternative sounds.

In any event, the inventor "Tomosuke Hayakawa" of JP'085 and "Chisa Hayakawa" of this application are the same person. If a declaration confirming this over the signature of C. Hayakawa is required, please advise the undersigned.

Since JP'085 was published less than one year before the April 28, 1998 international filing date of this application (i.e., on October 21, 1997), the reference is not available as a prior art reference under 35 U.S.C. § 102(b). Further, since the inventors of amended claim 3 are the same as the inventors of JP'085, it is submitted that the reference is not available as a prior art reference under 35 U.S.C. § 102(a) either.

Accordingly, it is believed amended claim 3 cannot be considered anticipated by JP'085, and its withdrawal as a ground of rejection of the claims under §102(a) is requested.

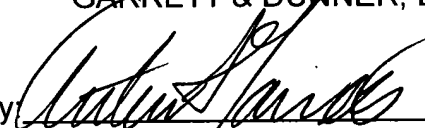
It is believed claims 1 and 7-10 are in condition for allowance and such action is therefore requested.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By

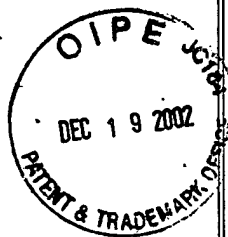
  
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Attorney Docket Number: 1165-799

## APPENDIX TO AMENDMENT OF DECEMBER 19, 2002

### Version with Markings to Show Changes Made

#### Amendments to the Claims

3. (Amended) [The] A composite fabric [according to claim 1, wherein the fabric has] comprising a knitted or woven composite fabric of (1) a white pigment-containing fiber that is a synthetic fiber that contains from 1% by weight or more to 6% by weight or less of a white pigment and/or that is a core-sheath composite synthetic fiber comprising a core portion that contains from 3% by weight or more to 15% by weight or less of a white pigment, and a sheath portion containing 2% by weight or less of a white pigment, and (2) a water-absorbent and water-diffusing fiber, wherein the composite fabric has a multi-layered structure [having] of two layers or more, [the] a top or surface layer thereof [is] being formed [of] with a yarn composed of the synthetic fiber that contains from 1% by weight or more to 6% by weight or less of a white pigment and/or [a] the core-sheath composite synthetic fiber comprising a core portion that contains from 3% by weight or more to 15% by weight or less of a white pigment, and a sheath portion containing 2% by weight or less of a white pigment, and at least one inner layer thereof [or more], other than the top or surface layer, [is] being formed [from a] with a yarn composed of the water-absorbent and water-diffusing fiber.

7. (Amended) The composite fabric [according to any one] of [claims 1 to 5] claim 3, wherein the water-absorbent and water-diffusing fiber is composed of a synthetic fiber containing 1% by weight or more of a white pigment.

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8. (Amended) The composite fabric [according to any one] of [claims 1 to 5] claim 3, wherein an elastic fiber is mixed in at least one inner layer of the multi-layered structure.

9. (Amended) The composite fabric [according to any one] of [claims 1 to 7] claim 3, wherein the water-absorbent and water-diffusing fiber satisfies the following numerical values:

$$X \geq 1.6 \text{ and } Y \geq 3$$

wherein  $X = a \times b/100$  [ ], wherein  $a$  = an apparent density = METSUKU (g/100·cm<sup>2</sup>)/thickness (mm)[,] and  $b$  is a water-retention ratio (%) [ ]], and  $Y = c/a$  [ ], wherein  $c$  is a diffusion area (cm<sup>2</sup>)[ ]].

10. (Amended) The composite fabric [according to any one] of [claims 1 to 8] claim 3, wherein the water-absorbent and water diffusing fiber is composed of a fiber component of a W-shaped cross-sectional polyester filament.

IN THE ABSTRACT:

ABSTRACT

[The present invention relates to an] An anti-color change fabric that can suppress a temporary color change when contacted with rainwater, perspiration etc. The fabric of the present invention is a [composite] knitted or woven composite fabric [comprising] of (1) a white pigment-containing fiber that is a [core-sheath composite fiber comprising a] synthetic fiber that contains from 1% by weight or more to 6% by weight or less of a white pigment and/or a core-sheath composite fiber having a core portion that contains from 3% by weight or more to 15% by weight or less of a white

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pigment, and a sheath portion containing 2% by weight or less of a white pigment, and (2) a water-absorbent and water-diffusing fiber. [A modified cross-sectional yarn showing a significant water-diffusing effect is appropriately used as a water-absorbent and water-diffusing yarn that exhibits an anti-color change effect in the composite fabric that is a knitted or woven fabric made to have a structure in which 40% or more of the top surface is occupied by the white pigment-containing fiber.

The anti-color change fabric of the present invention is suited to a knitted or woven fabric material for clothing dyed in a color ranging from a pale color to a color of medium depth.]

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